

**OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Andrew Gonzales, Associate Planner  
**DATE:** December 3, 2008

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 2008-040; COASTAL DEVELOPMENT  
PERMIT NO. 2008-018 (SCHULTZ ADDITION)**

**LOCATION:** 16692 Baruna Lane, 92649 (north of Sea Witch Lane, east of Baruna Lane –  
Davenport Island)

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**Applicant:** John McNeely, 1792 Skyline Drive, Santa Ana, CA 92705

**Property  
Owner:** John Schultz, 1735 E. Monticello Court, Ontario, CA 91761

**Request:** To permit a (a) 1,174 sq. ft. first and second floor addition to an existing two-  
story, single-family residence, and (b) a 536 sq. ft. third floor roof deck.

**Environmental Status:** This request is covered by Categorical Exemption, Section 15301,  
Class 1, California Environmental Quality Act.

**Zone:** RL-CZ (Residential Low Density – Coastal Zone Overlay District)

**General Plan:** RL-7 (Residential Low Density – maximum 7 dwelling units per acre)

**Existing Use:** Single family residence

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**RECOMMENDATION:** Staff recommends approval with modifications of the proposed  
project based upon the following findings:

**SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the  
environment and is exempt from the provisions of the California Environmental Quality Act  
(CEQA) pursuant to section 15301 of the CEQA Guidelines, because the addition will not result  
in an increase of more than 50% of the existing single family dwelling's floor area.

**SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT  
NO. 2008-018:**

1. Coastal Development Permit No. 2008-018 for the construction of a 1,174 sq. ft. first and second floor addition to an existing two-story, single-family residence, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, and as modified by conditions of approval for the rear yard and 3<sup>rd</sup> floor deck setbacks. The project complies with the maximum site coverage, maximum building height, minimum front and side yard setbacks, and minimum onsite parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on a previously developed site in an urbanized area with all the necessary services and infrastructure available, including, water, sewer, and roads.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-040:**

1. Conditional Use Permit No. 2008-040 to permit an 536 sq. ft. third floor roof deck will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The location and orientation of the proposed 3<sup>rd</sup> floor deck will not impact privacy because, as conditioned, the deck will be setback 5 ft. from the building exterior and 10 ft. from the closest property line. The height of the parapet walls/railings will measure approximately 4 ft. and restrict direct view onto the adjoining properties.
2. The conditional use permit will be compatible with surrounding homes because the 3<sup>rd</sup> floor deck will be integrated into the design of the existing residence. The deck is conditioned to maintain a minimum 5 ft. setback from the exterior elevation of the building. The deck will minimally alter the building's two-story facade which is compatible with existing two-story homes in the neighborhood.
3. The proposed 3<sup>rd</sup> floor deck, as conditioned, will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Rooftop decks above the second story are allowed within the base zoning district with approval of a conditional use permit. The proposed deck, as conditioned, will be setback at a minimum of 5 ft. from the second-story façade.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Low Density Residential – 7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 9.2.1: Use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development.

LU 9.2.1d Maintenance of privacy on abutting residences.

The proposed development, as conditioned, is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as, other applicable provisions of the Municipal Code. The proposed rooftop deck above the second story will be primarily oriented toward Huntington Harbor and adequately setback from the building's easterly exterior elevation, thus minimizing privacy impacts on to adjoining properties. The proposed deck will be architecturally integrated into the design of the house.

**SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-018 /CONDITIONAL USE PERMIT NO. 2008-040 :**

1. The site plan, floor plans, and elevations received and dated September 26, 2008, shall be the conceptually approved design with the following modifications:
  - h. The 2<sup>nd</sup> floor deck located on the building's east elevation shall be setback an additional 1'-8" from the rear property line.
  - i. The 3<sup>rd</sup> floor deck shall be setback an additional 3'-6" from the exterior walls of the building.
  - j. On sheet A-1, the project data calculations shall be modified to reflect the revised lot coverage computation.
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.